

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MARK THOMPSON,

Plaintiff,

v.

RESALE RESOURCES CORPORATION,

Defendant.

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1:18-CV-1030-RP

ORDER

Before the Court is Mark Thompson’s (“Thompson”) Motion to Appoint Counsel. (Dkt. 24). Having reviewed the filings, the relevant law, and the factual record, the Court declines to rule on Thompson’s untimely motion.

Thompson alleged violations of Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000 et seq. (Dkt. 1). On January 4, 2019, United States Magistrate Judge Andrew Austin issued a report and recommendation to this Court to dismiss Thompson’s lawsuit without prejudice. (Dkt. 5). This Court adopted the report and recommendation on December 9, 2019, (Dkt. 18), and entered final judgment the same day, (Dkt. 19). After final judgment was entered, Thompson filed untimely objections, (Dkt. 22), to the report and recommendation and then filed this instant motion, (Dkt. 24).

Title VII permits district courts to appoint an attorney for a Title VII complainant upon request and “in such circumstances as the court may deem just.” 42 U.S.C. § 2000e–5(f)(1). There is no automatic right to the appointment of counsel. *Caston v. Sears, Roebuck & Co.*, 556 F.2d 1305, 1309 (5th Cir. 1977). Rather, the decision whether to appoint counsel rests within the sound discretion of the trial court. *Id.* at 1308.

The Court, however, need not reach the merits of Thompson's untimely motion to appoint counsel. Thompson requested that the Court appoint an attorney for him almost a year after this Court closed this case and entered final judgment. No dispute remains before this Court, and the Court will not consider Thompson's request. *See, e.g., Washington v. Local 1524 Union*, 31 F. App'x 153 (5th Cir. 2001) (concluding that the district court—which did not consider a motion to strike filed after final judgment was entered—"need not have ruled on" the untimely motion).

Accordingly, **IT IS ORDERED** that Thompson's Motion to Appoint Counsel, (Dkt. 24), is **STRICKEN**.

SIGNED on November 15, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE